

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**BRIAN S. CHESSON,**

**Plaintiff,**

**v.**

**PARKER HANNIFIN CORPORATION,  
ET AL.,**

**Defendant.**

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**8:14CV9**

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On July 7, 2014, the court determined that Plaintiff Brian S. Chesson's Complaint (Filing No. 1) failed to allege an employment discrimination claim upon which relief may be granted. Chesson filed an Amended Complaint (Filing No. 17) on August 27, 2014.

The court has carefully reviewed the Amended Complaint. In light of the liberal construction afforded to pro se litigants' pleadings, the court finds that Chesson has alleged claims under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621- 634; the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §§ 48-1001-1010; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2000e-17; and the Nebraska Fair Employment Practice Act, Neb. Rev. Stat. §§ 48-1101-1126. Accordingly, Chesson's claims against Parker Hannifin Corporation ("PHC") may proceed to service of process. Although the court finds that Chesson's claims may proceed against PHC, the court cautions him that this is only a preliminary determination based on the allegations of the Amended Complaint and is not a determination of the merits of his claims or potential defenses thereto. Accordingly,

IT IS ORDERED:

1. To obtain service of process on PHC, Plaintiff must complete and return the summons form that the Clerk of the Court will provide. The Clerk of the Court shall send one summons form and one USM-285 form to Plaintiff, together with a copy of this Memorandum and Order. Plaintiff shall, as soon as possible, complete the forms and send the completed forms back to the Clerk of the Court. In the absence of the forms, service of process cannot occur.
2. Upon receipt of the completed forms, the Clerk of the Court will sign the summons forms, to be forwarded with a copy of the Amended Complaint to the U.S. Marshal for service of process. The Marshal shall serve the summons and the Amended Complaint without payment of costs or fees. Service may be by certified mail pursuant to Federal Rule of Civil Procedure 4 and Nebraska law in the discretion of the Marshal. The Clerk of the Court will copy the Amended Complaint, and Plaintiff does not need to do so.
3. Federal Rule of Civil Procedure 4 requires service of the complaint on a defendant within 120 days of filing the complaint. However, because in this order Plaintiff is informed for the first time of these requirements, Plaintiff is granted, on the court's own motion, an extension of time until 120 days from the date of this order to complete service of process.
4. Plaintiff is hereby notified that failure to obtain service of process on a defendant within 120 days of the date of this order may result in dismissal of this matter without further notice as to such defendant.
5. The Clerk of the Court is directed to set a case management deadline in this case with the following text: "February 9, 2015: Check for completion of service of summons."
6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Plaintiff shall keep the court informed of his current address at all times while this case is pending.

DATED this 10<sup>th</sup> day of October, 2014.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge